

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

RBW LOGISTICS CORPORATION,)	
)	
Plaintiff,)	
v.)	
)	No. _____
ARGLASS YAMAMURA SE, LLC)	
)	
Defendant.)	
_____)	

NOTICE OF REMOVAL

Under 28 U.S.C. § 1332 and 28 U.S.C. § 1441 and based on diversity of citizenship, Defendant Arglass Yamamura SE, LLC (“Arglass”) hereby removes the state court action described below to this Court. Arglass supports removal as follows:

1. The above-entitled action was filed in the Superior Court of Lowndes County on May 16, 2022 and was assigned docket number 2022CV0716.
2. This Notice of Removal is timely because Arglass received notice of this state court action on May 24, 2022.¹
3. Pursuant to 28 U.S.C. § 1336(a)(1), federal courts have original jurisdiction

¹ See 28 U.S.C. § 1446(b)(1) (allowing 30 days from receipt to file a notice of removal).

of all civil actions where the amount in controversy exceeds \$75,000 and is between citizens of different states.

4. The parties in this action are completely diverse.

5. As alleged in the Complaint, Plaintiff RBW Logistics Corporation (“RBW”) is Georgia corporation with its principal place of business in Augusta, Georgia. For purposes of diversity, RBW is a citizen of Georgia.²

6. Defendant Arglass is a Delaware limited liability company.

7. The citizenship of an unincorporated entity generally depends on the citizenship of all the members composing the organization. *See Carden v. Arkoma Assocs.*, 494 U.S. 185, 195 (1990).

8. The sole member of Arglass is another Delaware limited liability company, Arglass Yamamura, LLC.

9. Arglass Yamamura, LLC has two members, YGQ California, Inc. and Cambium Arglass, LLC.

10. YGQ California, Inc. is a California corporation with its principal place of business in California.

11. Cambium Arglass LLC is a Delaware limited liability company with eight

² A corporation shall be deemed to be a citizen of every State and foreign state by which it has been incorporated and of the State or foreign state where it has its principal place of business. 28 U.S.C. § 1332.

members, José de Diego-Arozamena, the Andrew J. Astrachan Trust, Marc Utay, the Utay Family Trust, Cathy Daniels, Bob Ezrin, Robert Friedman, and José M. Ruiz Luque.

12. None of the members of Cambium Arglass LLC is a citizen of Georgia. José de Diego-Arozamena, Marc Utay, Robert Friedman, and José M. Ruiz Luque are individual citizens of New York. Cathy Daniels is an individual citizen of Texas. Bob Ezrin is an individual citizen of Tennessee.

13. Mindy Utay is the sole trustee of the Utay Family Trust and is a citizen of Connecticut. For purposes of diversity jurisdiction, the Utay Family Trust is deemed to be a citizen of Connecticut.³

14. The Andrew J. Astrachan Trust dated October 8, 2001 is a citizen of Nevada. Andrew Astrachan is the sole trustee and is a citizen of Nevada.

15. The amount of controversy in this action exceeds the sum or value of \$75,000, exclusive of interest and costs. Indeed, in its Complaint, RBW states that it is seeking at least \$1,801,476.15 for unpaid service invoices. *See, e.g.,* Complaint ¶ 99.⁴

³ “A ‘traditional trust’ holds the citizenship of its trustee.” *Alliant Tax Credit 31, Inc v. Murphy*, 924 F.3d 1134, 1143 (11th Cir. 2019).

⁴ While this amount easily satisfies the amount in controversy requirement, Arglass disputes that it owes RBW this amount and through its counterclaims will prove that RBW owes Arglass damages.

16. Jurisdiction is proper in this Court under 28 U.S.C. § 1332(a)(1) because complete diversity exists between the parties and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

17. The United States District Court for the Middle District of Georgia, Valdosta Division, is the proper Court because RBW filed this action in Lowndes County, which is within the Valdosta Division.

18. Copies of all state process, pleadings, and orders in the possession of Arglass are filed herewith. *See* Exhibit A.

19. On the same day it files this notice, Arglass will file with the Clerk of Court for the Superior Court of Lowndes County, Georgia, a copy of this Notice of Removal.

WHEREFORE, please take notice that this action has been removed to the United States District Court for the Middle District of Georgia, Valdosta Division.

Respectfully submitted, this 23rd day of June, 2022.

BONDURANT, MIXSON & ELMORE, LLP

/s/ Frank M. Lowrey

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CERTIFICATE OF SERVICE

This is to certify that on this day, I have electronically filed the foregoing **NOTICE OF REMOVAL** via CM/ECF and have caused to be served a true and correct copy of same by electronic mail and First Class mail, proper postage prepaid, addressed as follows:

Jason Pedigo
ELLIS PAINTER
P.O. Box 9946
Savannah, GA 31412
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This 23rd day of June, 2022.

/s/ Frank M. Lowrey
Frank M. Lowrey IV
Georgia Bar No. 410310